



THE COMMONWEALTH OF MASSACHUSETTS
WATER RESOURCES COMMISSION

Meeting Minutes for August 14, 2003

Members in Attendance:

Marilyn Contreas	Designee, DHCD
Karl Honkonen	Designee, EOE A
Russ Cohen	Designee, DFG
William Pula	Designee, DCR
Cynthia Giles	Designee, DEP
Gerard Kennedy	Designee, DAR
Gary Clayton	Public Member
David Rich	Public Member
Richard Butler	Public Member

Other in Attendance:

Kate Bowditch	Charles River Watershed Association
Linda Marler	DCR
Vicki Gartland	DCR
Melissa Cryan	EOEA
Vandana Rao	EOEA
Michele Drury	DCR
Eileen Simonson	Water Supply Citizens' Advisory Council
Joan Galtes	Inima
Jose Andreu	Inima USA/Aquaria
Thomas Plouffe	City of Brockton
Moises Pariente	Aquaria LLC
Nathan Henderson	Metcalf & Eddy
Steve Garabedian	USGS, Northboro
Dominique Brocard	Metcalf & Eddy
Thomas Keefe	Tutela Engineering Associates
Sara Cohen	DCR
Kellie O'Keefe	DEP
Ralph Child	Mintz Levin
Pine duBois	JRWA/WAA
Mark Wamser	Gomez and Sullivan

Item 1: Executive Director's Report:

Marler presented the Hydrologic Conditions Report:

- July had below normal rain, 72% of normal
- Precipitation for the water year is above normal in all regions of Massachusetts
- Ground water levels and streamflow are generally normal or above normal
- Reservoir levels are above normal for this time of year
- Honkonen informed the group that the Water Assets Project contract has been signed with Earth Tech. A technical advisory committee is being formed for the project and it is expected to be completed in 12 months.
- Gartland has spoken with developers and CZM regarding Low Impact Development; some model bylaws will be developed and pilot projects will be done in the Ipswich.
- Drury said that Stoughton is working towards getting their MWRA connection up and running in late August, early September.
- Honkonen discussed the workshop that the Commission had in July regarding past, present, and future actions. There will be a follow-up at September's meeting.

Item 2 Vote: Meeting minutes of March, April, and October 2001; and June 2003

V O T E	Gary Clayton moved with a second by Richard Butler to accept the March 2001 minutes. The motion was approved unanimously.
V O T E	Richard Butler moved with a second by Marilyn Contreas to accept the April 2001 minutes. The motion was approved unanimously.
V O T E	David Rich moved with a second by Richard Butler to accept the October 2001 minutes. The motion was approved unanimously.
V O T E	Gary Clayton moved with a second by Richard Butler to accept the June 2003 minutes. The motion was approved unanimously.

Item 3: Cohasset Water Needs Forecast

To review, the Erickson project is a 40B development in Hingham. Due to the fact that Cohasset will be selling water to this project, Cohasset will need to apply for a WMA permit. A water conservation plan was submitted. Summer months push Cohasset's water usage way up. Methods that will cut their usage are being looked into, including making moisture sensor devices for automated irrigation systems available to residential customers. With the sale of water to the Erickson project, Cohasset's water withdrawals are projected to increase to 1.04 mgd by 2025.

Conservation requirements will go into the DEP WMA permit. Cohasset is a Method 2 community for water needs forecasting. The method assumes the future residential water use will be limited to 70 gpcd. An increasing block rate structure is used year round and bills are sent out quarterly. Simonson suggested that they look into sending monthly bills for the summer months so that customers can see their bill go up specifically in the summertime.

DuBois noted that the population is forecast to decline and she did not believe that was correct. Clayton asked for this to be checked for accuracy and also requested that some past population and water use projections be checked. Clayton also asked if the EOEa build-out projections were considered in the water use forecast. Drury replied that the RPA, MISER and EOEa build-out projections were all reviewed. The declining trend was discussed with the town and they agreed that population was declining. Population projections can be reviewed when DEP does their 5-year basin reviews of WMA permits.

R Cohen asked whether a water conservation bylaw would be in place. The response was yes, and that it would be tied to reservoir levels. Cohen suggested that the use of the moisture sensors should be required by the town. Discussion followed, and the consultant for Cohasset pointed out that the interbasin transfer of water to Erickson would be for potable water only, not for outside use. Cohasset will be coming in for a Water Management Act permit and an Interbasin Transfer approval.

Child indicated that Hingham is neutral on the issue of the water sale from Cohasset to Erickson. Hingham has issued permits for the project and Hingham's water supplier (Aquarion) has a water shortage and cannot supply the development. The project will feature inground wastewater disposal and will be a net transfer of water into a stressed basin.

DuBois noted a concern and citizen interest for the Aaron River and Herring Brook and noted that the Erickson discharge would go to the Plymouth River and not the stressed Weir or Accord Rivers. Discussion ensued regarding the legality of one community selling water to another, or wheeling water through another community's distribution system for sale to a third party.

V O T E	Cynthia Giles moved with a second by Marilyn Contreas to accept the Cohasset Water Needs Forecast as complete.
	The motion was approved unanimously, with Russ Cohen abstaining.

Item 4: Aquaria's Interbasin Transfer application

An overview of the project was given by Drury. Gartland summarized the environmental review criteria. Discussion was turned over to Commission members.

Clayton inquired whether impacts to the salt water wedge had been considered. Bowditch expressed concern regarding salt water intrusion. Kennedy asked whether staff reviewed environmental impacts of other desalination plants. Gartland indicated not much data was available regarding estuarine plants. Clayton inquired whether cumulative impacts of the Brayton Point power plant had been considered. Staff responded that the plant was 11 miles downstream near the end of the estuary (salt water). Marine fisheries did not raise any red flags on this issue.

It was asked if there are any thresholds in place. There haven't been any put in place so far, as this is a tidal area, but they could be required in the monitoring plan. The agencies and WRC must approve this plan and as part of the interbasin transfer act approval. The proponent will also be required to develop a cleaning/maintenance plan.

DuBois questioned whether the 40 mgd withdrawal at the upstream Taunton municipal light plant was considered when the 7Q10 was developed and in the salinity model. She suggested that the Aquaria plant should incorporate with this existing withdrawal rather than adding another, and to improve on the entrapment problem. The proponent needs to obtain a conservation permit for the taking of Long's Bittercress from NHESP, as well as about 20 other state, federal, and local permits. It is asked if NHESP will be able to keep up with the work of monitoring after staffing cuts? This answer is not known.

A Notice of Project Change is expected to be filed in August for the City of Brockton.

Additional discussion followed. What will happen if something makes the plant go off line? Will Brockton continue withdrawing the number of gallons they were getting from Aquaria from Silver Lake? A representative of Aquaria stated that the plant has a back-up system built into its design. R. Cohen made the point that just because we have the technology to do something doesn't mean that it won't hurt the ecology of the area. It was stated that during the review of this project, all the agencies were consulted and none were concerned that this project would harm the ecology of the area.

Bowditch asked what mitigation would be involved for such a large volume of water. Drury responded that no problems have been foreseen, although if unforeseen impacts occur, the draft decision states that operations will need to be modified to avoid these impacts.

Clayton asked if there are any other thoughts or comments on the segmentation of this project. Drury replied that the Secretary's certificate required potential customers to file a Notice of Project Change specifically to avoid segmentation. The NPC requirement was designed to allow the agencies to keep track of customers up to the permitted amount of water to be withdrawn. After that point has been reached, if there is an expansion of the plant, the proponent will need additional ITA review.

Giles proposed amendments to clarify that the water supply management criteria of the Water Management Act apply only to customers proposing to purchase 1 mgd or greater, or otherwise considered significant by the Commission.

V O T E	Giles moved with a second by Contreas to accept the Aquaria Interbasin Transfer application amendments. The motion was approved unanimously, with Russ Cohen abstaining.
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V O T E	Rich moved with a second by Giles that the Aquaria Interbasin Transfer application meets the environmental criteria of the Interbasin Transfer Act The motion was passed with seven for and one against, with Russ Cohen abstaining.
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Item 5: Discussion: Proposed IBT policy for small sewer connections

Drury stated that this policy is intended to provide guidance and clarification about the applicability of the Interbasin Transfer Act to communities and public entities who intend to add, or who are requested to add, small connections to an existing out-of-basin wastewater system. The policy addresses new connections to an existing wastewater system that were **not considered in the previously approved facilities plan**, and may result in increased flows over those stated to be transferred in the facilities plan, but **will not result in a constructed increase in the capacity** of the wastewater transfer facility. Small connections within a system that are included in the previously approved facilities plan are not subject to the Act.

Drury reminded the WRC of the JPI/Concord River basin example, where the development, located in Ashland, was not able to connect to the Ashland wastewater system because Ashland had previously allocated its allotted capacity within the Framingham Extension Sewer, whereas Framingham, also tributary to this MWRA sewer, had excess I/I flow. JPI was able to eliminate an amount of I/I equivalent to its projected wastewater, within the Framingham system in the Concord River basin. Therefore the WRC agreed that if JPI removed the stated amount of I/I flows within the Framingham system, this project would not result in an increase in Interbasin Transfer, therefore the Act would not apply.

The policy would apply only under strict conditions:

1. The potential amount of the wastewater transfer must be under 1 mgd.
2. The proponent must have conducted an alternatives analysis, approved by DEP, which demonstrates that there are no viable alternatives to sewerage wastewater out-of-basin.
3. The proponent must have entered into legally binding agreements with the receiving or downstream community sewer providers to remove an amount of I/I that is determined by the regulatory agencies to be at least equal to the amount of wastewater to be transferred by the proposed sewer connection (Note that DEP or other agencies may require greater amounts of I/I to be removed as a condition of the sewer extension/connection permits or other approvals.)

4. This I/I removal must be **within the same basin as the proposed sewer connection.**
5. The I/I removal projects proposed by the proponent of the sewer connection must be approved by DEP and/or other sewer authority.
6. DEP and/or other sewer authority must agree that the I/I removal projects proposed will remove an amount equal to that required for the proposed wastewater connection to result in **no net transfer.**
7. The community in which the facility proposing the sewer connection is located should have or be in the process of developing a long-term plan to address its wastewater issues.
8. The proposed sewer connection must be consistent with the receiving community's Sewer Connection and Extension Permitting Program and must not exacerbate any existing sewer capacity problems in that system.
9. The proponent of the proposed sewer connection must be in the process of applying for approval of this connection from the receiving sewer system.

Documentation of these conditions will be required. This policy incorporates policies and precedents already in place. It was suggested that under #7, the wording should be “*must* have or be in the process of developing” rather than “*should* have or be in the process of developing”. Staff replied that the change will be made. There was some sentiment that these small connections should not be handled at the staff level. A vote will be requested in September.

Item 6: Presentation: Report on Instream Flow Incremental Method (IFIM) on the Saugus River, focusing on flow needs for aquatic habitat

Wamser gave an overview of the Saugus River study that was performed under the Watershed Initiative by Gomez and Sullivan Engineers. The study focused on low flow issues and aquatic habitat needs. Two segments of the river were studied with a target fish community. The ultimate goal was to restore an historic alewife run on the river while maintaining water supply needs. Presently the fish migrate to a dam used by Lynn Water and Sewer Commission for its water supply diversions but do not have passage upstream. The study resulted in seasonal flow recommendations. Lynn Water and Sewer is trying to release water consistent with those recommendations, which were also used in its Water Management Act permit by DEP this spring.

Clayton suggested an experiment to bring adult alewife upstream of the dam to Reedy Meadows and see if they spawn. R Cohen commented on opportunities to improve on water conservation in Lynn and possibly have General Electric offer high efficiency washing machines to accomplish this.

New Business

Simonson mentioned that the Dedham-Westwood water district has applied for MWRA membership. She stated that MWRA's legal opinion on the matter differs with DEM's legal opinion. WSCAC believes that WRC should take jurisdiction of the matter. The attorneys should be talking.

Meeting adjourned.